FROM THE ARCHIVES | 1995 tax evasion case could send Bongbong Marcos to jail

Published in November 2004 in the Manila Times

https://nothinginparticular.substack.com/p/from-the-archives-1995-tax-evasion?r=152ay&utm_source=

Robert JA Basilio Jr Oct 6

The Manila Times
NEWS

1995 tax evasion case could send Bongbong Marcos to jail

ROBERT JA BASILIO JR.
Senior Reporter

ILOCOS Gov. Ferdinand "Bongbong" Marcos Jr., only son of the late dictator Ferdinand E. Marcos, will face at least three years in jail. That is, if a recently unearthed Quezon City Regional Trial Court decision regarding his 1995 tax-evasion conviction will be executed.

This was disclosed by an October 30 letter addressed to Solicitor General Alfredo Benipayo and written by former senator Jovito Salonga, which was faxed to The Manila Times.

According to Salonga's letter, the Quezon City Regional Trial Court in July 1995 found Marcos "guilty beyond reasonable doubt" of violating Sections 45 and 50 of the National Internal Revenue Code of 1977, as amended. The court decision rendered two six-month and two three-year sentences against him for failure to file and pay income-tax returns for the years 1982, 1983, 1984 and 1985. The same decision also ordered Marcos to pay the corresponding taxes, penalties, interests and surcharges due the Bureau of Internal Revenue.

Salonga's letter to the Office of the Solicitor General also noted that Marcos appealed the decision to the Court of Appeals but on October 31, 1997, the CA acquitted the accused of the charges of violation of Section 50 of the NIRC but "[found] him guilty beyond reasonable doubt of violating Section 45 of the NIRC for failure to file income-tax returns

Grenades fired at Caltex, Petron HQs

GUNMEN fired grenades at the offices of two oil companies in Makati City early Friday, but they failed to explode and there were no casualties.

The grenades shattered glass at the offices of Caltex Philippines Inc. and Petron Corp., but the attacks caused no injuries, the companies said.

The first grenade exploded outside the head office of Petron Corp. on Makati Avenue.

Several minutes later, a second grenade was fired at a building housing the Caltex headquarters on Ayala Avenue.

Police said they suspected that the grenades were fired from a rifle-based

A photo of the story published in the November 6, 2004 edition of the Manila Times.

Below is the full text of the story published by the Manila Times in November 2004:

Ilocos Governor Ferdinand "Bongbong" Marcos Jr., only son of the late dictator Ferdinand E. Marcos, will face at least three years in jail. That is, if a recently

unearthed Quezon City Regional Trial Court decision regarding his 1995 tax-evasion conviction will be executed.

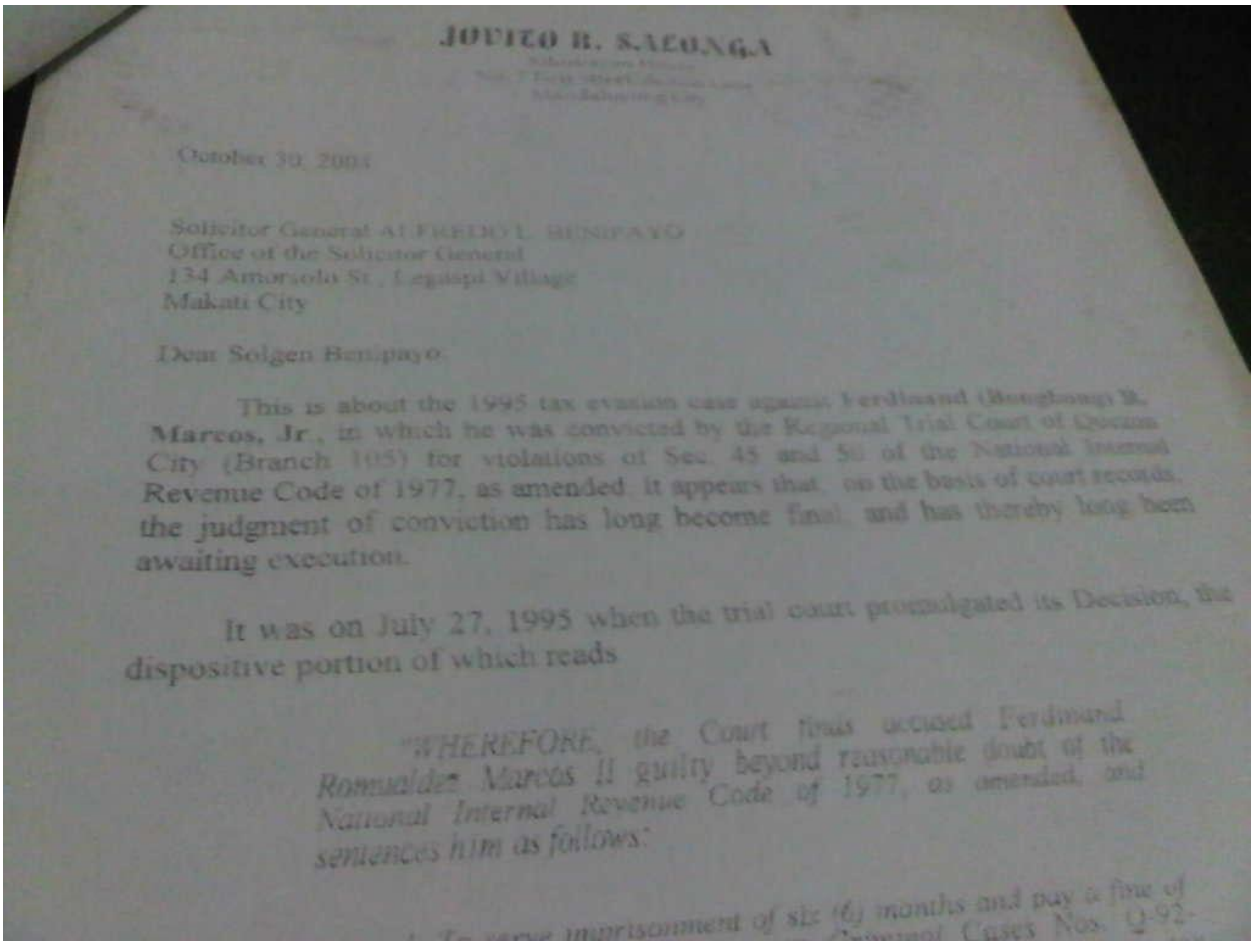
This was disclosed by an October 30 [2004] letter addressed to Solicitor General Alfredo Benipayo and written by former senator Jovito Salonga*, which was faxed to the Manila Times.

According to Salonga's letter, the Quezon City Regional Trial Court in July 1995 found Marcos "guilty beyond reasonable doubt" of violating Sections 45 and 50 of the National Internal Revenue Code of 1977, as amended. The court decision rendered two six-month and two three-year sentences against him for failure to file and pay income-tax returns (sic) for the years 1982, 1983, 1984, and 1985. The same decision also ordered Marcos to pay the corresponding taxes, penalties, interests and surcharges due the Bureau of Internal Revenue.

Salonga's letter to the Office of the Solicitor General also indicated that Marcos appealed the decision to the Court of Appeals but on October 30, 1997, the CA acquitted the accused of the charges of violation of Section 50 but "[found] him guilty beyond reasonable doubt of violation of Section 45 of the NIRC for failure to file income tax returns for the taxable years 1982 to 1985." The same CA decision also ordered Marcos to pay the BIR the deficiency income taxes due with interest at the legal rate until fully paid."

"Thereafter, the accused manifested the intention to file with the Supreme Court a petition for review on certiorari. In fact, he filed a motion for an extension of 30 days from July 4, 2001, within which to file a petition.

Full text of a facsimile message dated October 30, 2004 received by the Manila Times a few days later:



JOVITO R. SALONGA

October 30, 2001

Solicitor General ALFREDO L. BENIPAYO
Office of the Solicitor General
134 Amorsolo St., Legaspi Village
Makati City

Dear Solgen Benipayo:

This is about the 1995 tax evasion case against Ferdinand (Bongbong) R. Marcos, Jr., in which he was convicted by the Regional Trial Court of Quezon City (Branch 105) for violations of Sec. 45 and 50 of the National Internal Revenue Code of 1977, as amended. It appears that on the basis of court records, the judgment of conviction has long become final, and has thereby long been awaiting execution.

It was on July 27, 1995 when the trial court promulgated its Decision, the dispositive portion of which reads

"WHEREFORE, the Court finds accused Ferdinand Romualdez Marcos II guilty beyond reasonable doubt of the National Internal Revenue Code of 1977, as amended, and sentences him as follows:

to serve imprisonment of six (6) months and pay a fine of

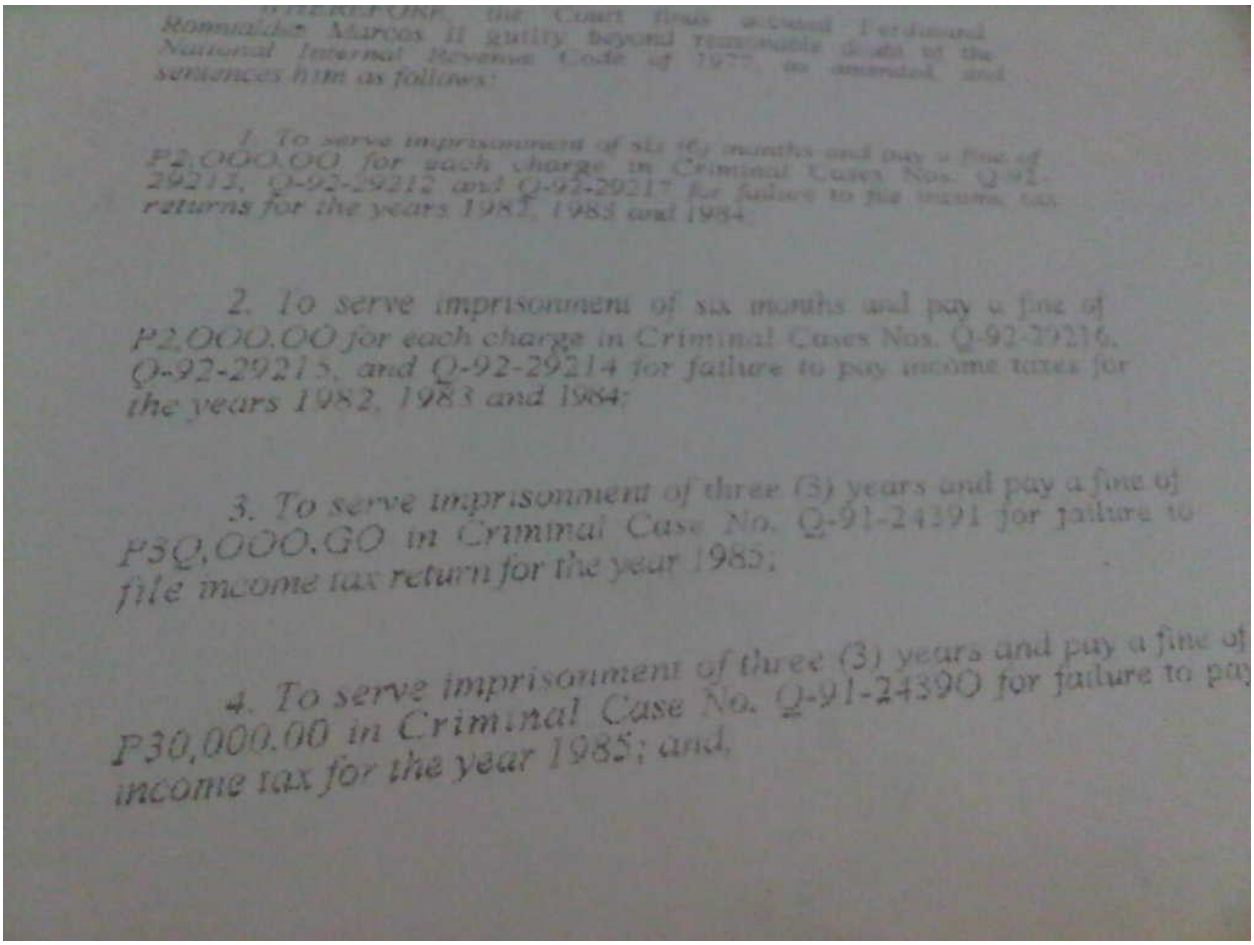
Criminal Cases Nos. Q-92-

Dear Solgen Benipayo:

This is about the 1995 tax evasion case against Ferdinand (Bongbong) R. Marcos, Jr., in which he was convicted by the Regional Trial Court of Quezon City (Branch 105) for violations of Sec. 45 and 50 of the National Internal Revenue Code of 1977, as amended. It appears that on the basis of the court records, the judgment of conviction has long become final and has thereby long been awaiting execution.

It was on July 27, 1995 when the trial court promulgated its Decision, the dispositive portion of which reads:

"WHEREFORE, the Court finds accused Ferdinand Romualdez Marcos II guilty beyond reasonable doubt of the National Internal Revenue Code of 1977, as amended, and sentences him as follows."



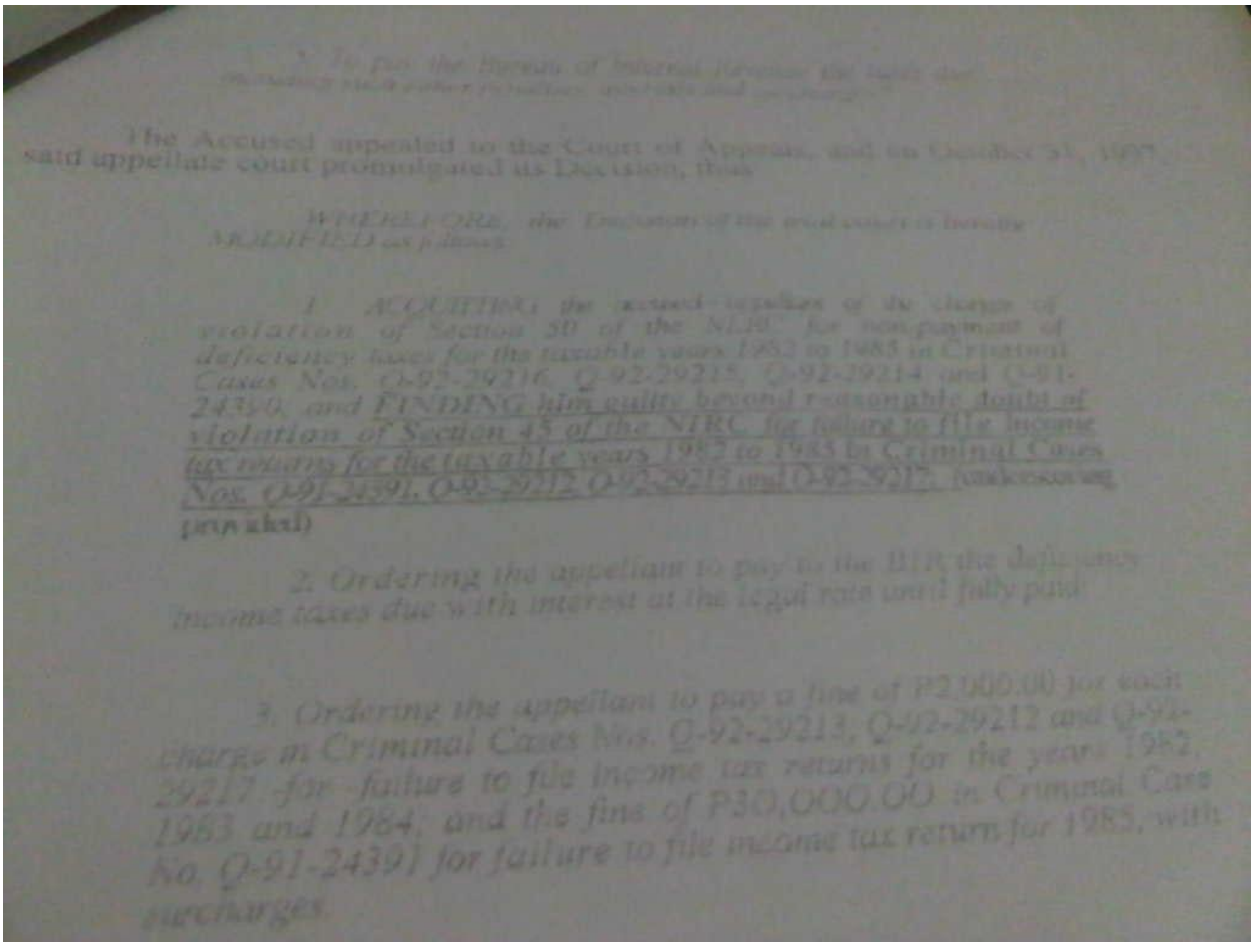
1. To serve imprisonment of six months and pay a fine of P2,000.00 for each charge in Criminal Cases Nos. Q-92-29213, Q-92-29212, and Q-92-29217 for failure to file income tax returns for the years 1982, 1983 and 1984;

2. To serve imprisonment of six months and pay a fine of P2,000.00 for each charge in Criminal Cases Nos. Q-92-29216, Q-92-29215, and Q-92-29214 for failure to pay income taxes for the years 1982, 1983, and 1984;

3. To serve imprisonment of three (3) years and pay a fine of P30,000.00 in Criminal Cases Nos. Q-91-24391 for failure to file income tax return for the year 1985.

4. To serve imprisonment of three (3) years and pay a fine of P30,000.00 in Criminal Case No. Q-91-24390 for failure to pay income tax for the year 1985; and,

[unclear]



The Accused appealed to the Court of Appeals, and on October 31, 1997, said appellate court promulgated its Decision, thus:

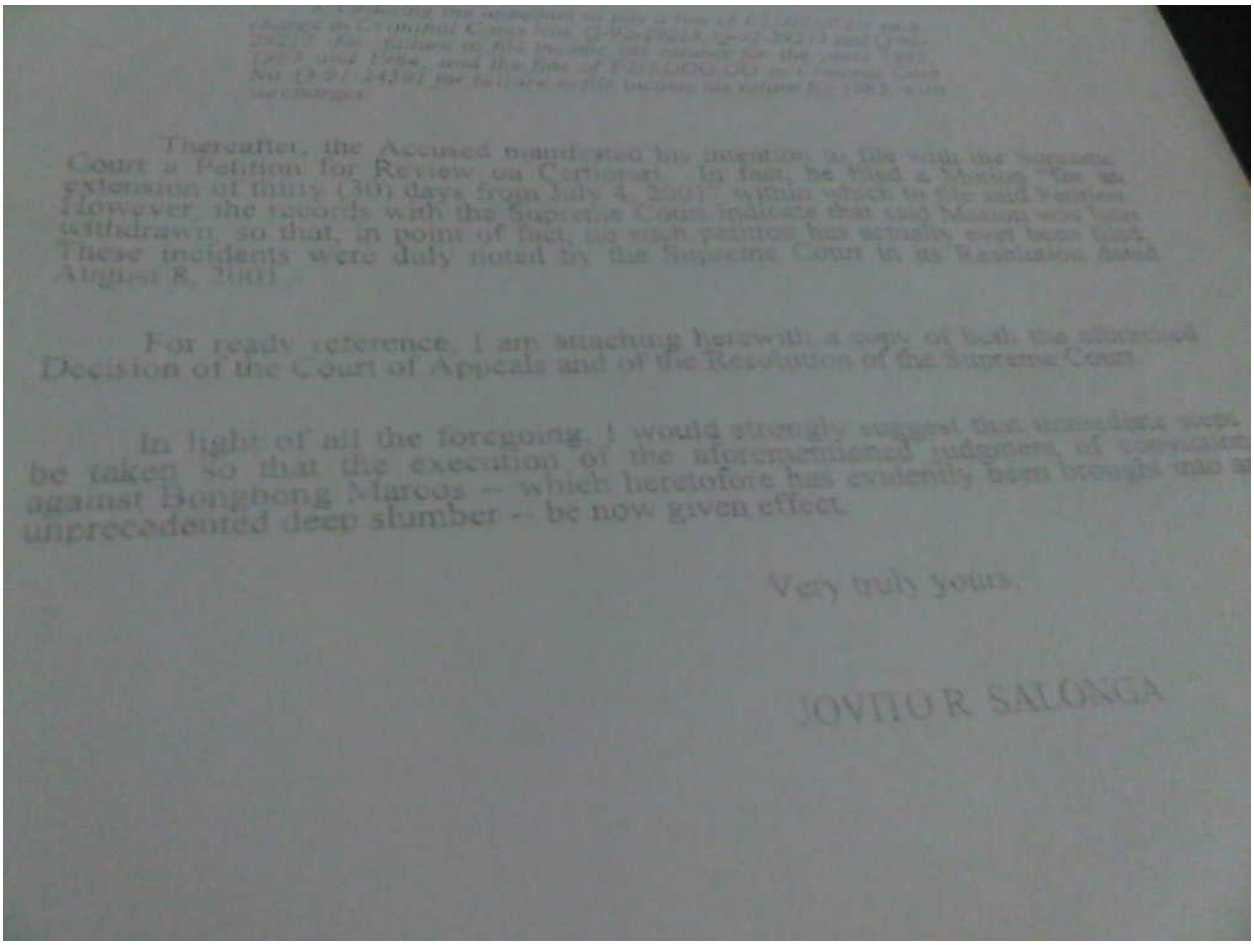
WHEREFORE, the Decision [unclear] hereby MODIFIED as follows:

1. ACQUITTING the accused [unclear] of the charge of violation of Section 50 of the NIRC for non-payment of deficiency taxes for the taxable years 1982 to 1985 in Criminal Cases Nos. Q-92-29216, Q2-92-29215, Q2-92-29214, and Q-91-24390 and FINDING him guilty beyond reasonable doubt of violation of Section 45 of the NIRC for failure to file income tax returns for the taxable years 1982 to 1985 in Criminal Cases Nos. Q-91-24391, Q-93-29212, Q-93-29213, Q-93-29217; (underscoring provided)

2. Ordering the appellant to pay the BIR the deficiency income taxes due with interest at the legal rate until fully paid;

3. Ordering the appellant to pay a fine of P2,000.00 for each charge in Criminal Cases Nos. Q-92-29213, Q-92-29212 and Q-92-29217 for failure to file income tax returns for the years 1982, 1983 and 1984; and the fine of P30,000.00 in Criminal Case No. Q-91-24391 for failure to file income tax return for 1985, with surcharges.

Thereafter, the Accused manifested his intention to file with the Supreme Court on Certiorari. In fact, he filed a Motion "for an extension of thirty (30) days from July 4, 2001" within which to file said Petition. However, the records with the Supreme Court indicate that the said Motion was [unclear] withdrawn, so that, in point of fact, no such petition has actually ever been filed. These incidents were duly noted by the Supreme Court in its Resolution dated August 8, 2001.



For ready reference, I am attaching herewith a copy of both the [unclear] Decision of the Court of Appeals and of the Resolution of the Supreme Court.

In light of all the foregoing, I would strongly suggest that immediate steps be taken so that the execution of the aforementioned judgment of conviction against Bongbong Marcos — which heretofore has evidently been brought into an unprecedented deep slumber — be now given effect.

Very truly yours,

Jovito R. Salonga

*The late senator Jovito Salonga was, among others, the first Chair of the Presidential Commission on Good Government, an agency created in February 1986 to recover the stolen wealth of the Marcos family and their cronies.